

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DONALD J. WADE, D.D.S.,	:	LS06071213DEN
RESPONDENT.	:	

Division of Enforcement Case # 03 DEN 108, 03 DEN 145

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Donald J. Wade, D.D.S.
1547 E. Racine Ave.
Waukesha, WI 53186

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Dentistry Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Dentistry Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Donald J. Wade, D.D.S., (DOB 08/15/1947) is duly licensed as dentist in the state of Wisconsin (license # 3928). This license was first granted on June 29, 1988.
2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 1547 E. Racine Avenue, Waukesha, Wisconsin.

Patient B.O.

3. On or about April 14, 2003, patient B.O. saw Respondent for extraction of wisdom teeth.
4. After surgery, a piece of a dental instrument came out of patient B.O.'s surgical site.

5. Respondent did not take x-rays of the extraction site after surgery to determine whether he had left anything behind and did not realize that a piece of instrument remained.

Patient K.C.

6. On or about December 8, 2003, five-year-old patient K.C. saw Respondent to replace a cracked filling. K.C.'s mother accompanied her.

7. K.C.'s mother felt that Respondent was unduly rough in administering nitrous oxide to K.C. She reports that Respondent shouted at K.C. several times

8. Respondent started to drill K.C.'s tooth. K.C. complained of pain. Respondent placed a bite block. K.C. continued to have pain and started to kick, cry, and try to get up.

9. K.C.'s mother reports that Respondent repeatedly threw down his instrument and held K.C. by the neck with his hand such that K.C. made a choking noise.

10. K.C. wet her pants during the procedure, and her hair and clothing were wet with perspiration. Immediately after the procedure, others described K.C. as upset, uncharacteristically quiet and withdrawn.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 447.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3 - 10 above constitutes a violation of Wisconsin Administrative Code § DE 5.02(1) and (5) and is a basis for discipline pursuant to Wis. Stat. § 447.07(3)(a).

ORDER

IT IS ORDERED:

1. Donald J. Wade is REPRIMANDED.
2. The license of Donald J. Wade to practice dentistry in the State of Wisconsin is LIMITED as follows:
 - (a) Respondent shall not treat pediatric patients until he has completed at least 8 hours of pre-approved continuing education in the handling of difficult pediatric patients and pediatric restraint.
 - (b) Respondent shall not perform oral surgery until he has completed at least 8 hours of continuing education in the risks and complications of oral surgery.
 - (b) Respondent shall certify to the Board the successful completion of these continuing education courses. Upon successful completion, this limitation will be removed.
 - (c) All courses taken in satisfaction of the above requirements must be pre-approved by the board. Prior to any such course, Respondent shall submit to the Board Monitor at the address listed below an outline of the required training for approval, which shall contain the name of the institution providing the instruction, the name of the instructor, and the course content.
 - (d) Respondent shall be responsible for the cost of compliance with the terms of this Order.
3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the

amount of Two Thousand, Five Hundred Dollars (\$2,500.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered, or fails to comply with the above limitations, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

5. This Order is effective on the date of its signing.

Dentistry Examining Board

By: Keith D. Clemence
A Member of the Board

7/12/06
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
DONALD J. WADE, D.D.S.	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case # 03 DEN 108, 03 DEN 145

Donald J. Wade, D.D.S., personally on his own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case nos. 03 Den 108 and 03 DEN 145). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Dentistry Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Dentistry Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Donald J. Wade, D.D.S.
1547 E. Racine Ave.
Waukesha, WI 53186

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date